

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA

v.

THOMAS B. ASELTINE

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CRIMINAL NO. 05-10089-PBS

**JOINT MOTION TO CONTINUE RULE 11 HEARING  
AND TO EXCLUDE TIME**

The United States and the defendant, Thomas B. Aseltine, hereby move the Court to continue the Rule 11 hearing in this case, currently scheduled to be held on May 4, 2005 for at least one week and to exclude the period of the continuance from the time within which trial must commence, pursuant to 18 U.S.C. §3161(h)(8)(A). As grounds, the parties state that defense counsel is unavailable to proceed with the hearing on May 4. The parties further state that the period of the continuance should be excluded because the delay will – by ensuring that defense counsel will be able to attend the hearing – serve the ends of justice and outweigh the best interest of the public and the defendant in a speedy trial. Moreover, because the defendant is subject to a mandatory minimum sentence that substantially exceeds the few months he has been in pretrial detention, the defendant will not be prejudiced by a continuance.

Respectfully submitted,

THOMAS B. ASELTINE  
By his Attorney

/s/ Andrew M. D'Angelo

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ANDREW M. D'ANGELO  
Carney & Bassil  
(617) 338-5566

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ John A. Capin

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JOHN A. CAPIN  
Assistant U.S. Attorney  
(617) 748-3264